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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,498	03/30/2004	John Anderson Campbell	EMC04-12(04036)	3238

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EXAMINER

VERDI, KIMBLEANN C

ART UNIT	PAPER NUMBER
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2194

MAIL DATE	DELIVERY MODE
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02/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/812,498

Applicant(s)

CAMPBELL, JOHN ANDERSON

Examiner

KimbleAnn Verdi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SENIOR PATENT EXAMINER
WILLIAM THOMSON

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

This office action is in response to the Amendment filed on November 20, 2007. Claims 1-24 and 26-28 are pending in the current application. Applicants' arguments have been carefully considered, but are moot in view of the new ground(s) of rejection. All previously outstanding objections and rejections to the Applicant's disclosure and claims not contained in this Action have been respectfully withdrawn by the Examiner hereto.

Response to Amendment

1. Amendment to the drawings and specification overcomes the previous objection to the drawings and specification.
2. Amendment to the specification overcomes the previous 35 USC § 101 rejection.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 5, 8, 11, 14, 24, 26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 14-23 and 28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With respect to claims 14-23 and 28, a "system for open development" is being recited; however, it appears that a system for open development would reasonably be interpreted by one of ordinary skill in the art as software, per se.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-24 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Application Publication 2002/013857 A1 to Trinon et al. (hereinafter Trinon) in view of United States Patent 7,197,489 B1 to Gauvin et al. (hereinafter Gauvin).

8. As to claim 1, Trinon teaches the invention substantially as claimed including a method for identifying the impact of event occurrences comprising:

determining relations between the managed entities of interest and other managed entities in the storage area network (paragraphs [0110]-[0111]), the relations indicative of an event at a managed entity having an affect on another managed entity (paragraphs [0110] - [0111]);

registering for notification of events affecting, based on the determined relations, the identified manageable entities (paragraph [0020]);

receiving an indication of an event affecting a registered manageable entity (paragraph [0020]); and

determining, via the determined relations, other manageable entities affected by the received event (paragraph [0016]).

Trinon does not explicitly disclose identifying a configuration of managed entities of interest in the storage area network.

However Gauvin teaches identifying a configuration of managed entities of interest in the storage area network (col. 5, lines 37-46 and col. 9, lines 16-23 and 33-42).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the IT components of Trinon with the teachings of storage area network components from Gauvin because this feature would have provided a mechanism for inferring the existence of various types of network components operating, for example, within a storage area network and are thus able to provide a more accurate representation of the network to the network manager as compared to conventional management systems that require management data to be collected from each component in order to represent that component to the network manager (col. 5, lines 13-22 of Gauvin).

9. As to claim 2, Trinon teaches the method of claim 1 wherein determining the other manageable entities further involves:

traversing the relations between managed entities from the manageable entity directly affected by the event (paragraphs [0110] - [0113]); and

identifying, from the traversing, manageable entities of interest affected by the received event (paragraphs [0110] - [0113]).

10. As to claim 3, Trignon teaches the method of claim 2 further comprising storing the relations between the manageable entities, the relations operable to be mapped in response to corresponding events (paragraph [0016]).

11. As to claim 4, Trignon teaches the method of claim 3 wherein determining affected manageable entities further comprises:

traversing a mapping of events and affected manageable entities (paragraph [0016]);

matching the received event to the mapping of events and affected manageable entities (paragraph [0016]); and

traversing the relations using the manageable entity corresponding to the matching event to determine affected manageable entities (paragraph [0016]).

12. As to claim 5, Trignon as modified teaches wherein determining the relations further comprises parsing the manageable entities to identify managed entities of interest (col. 6, lines 1-4), the managed entities of interest including managed entities effected directly or indirectly by an event at another managed entity (paragraphs [01101]-[0112]).

13. As to claim 6, Trignon teaches the method of claim 1 wherein registering for notification of events affecting manageable entities of interest further comprises identifying types of events affecting a particular manageable entity and other manageable entities of interest relative to the particular manageable entity based on the determined relations (paragraphs [0022]-[0023]).

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14. As to claim 7, Trignon teaches the method of claim 1 wherein determining the affected managed entities further comprises invoking a relation service operable to identify other managed entities effected by a particular managed entity according to the relations (paragraph [0016]).

15. As to claim 8, Trignon teaches the method of claim 1 wherein determining affected managed entities further comprises traversing a cache (e.g. memory) of effected managed entities (col. 6, lines 53-56 and col. 11, lines 38-46 of Gauvin) and selectively invoking the relation service if no match is found in the cache (col. 6, lines 53-56 and col. 12, lines 49-57 of Gauvin).

16. As to claim 9, Trignon teaches the method of claim 1 wherein identifying the configuration further comprises:

determining, based on a set of business processes, business operations dependent on particular manageable entities (paragraphs [0015]-[0016]); and
designating the determined manageable entities as manageable entities of interest (paragraph [0016]).

17. As to claim 10, Trignon teaches the method of claim 1 further comprising integrating, via an adaptor, an indication of the identified manageable entity of interest and the triggering event with a service impact monitor operable to apply the manageable entity of interest to determine affected business processes (paragraphs [0029] and [0113]).

18. As to claim 11, Trignon teaches the invention substantially as claimed including a method for correlating operational events with enterprise processes to evaluate impact of network occurrences comprising:

identify a model of events and objects (paragraph [0110]), the model operable to enumerate events corresponding to objects (paragraph [0110]) and further operable to enumerate objects corresponding to other objects via a relation (paragraphs [0110] - [0111]);

enumerating events operable to affect the selected object to be monitored (paragraph [0110]);

identify events directly affecting at least one of the selected objects (paragraphs [0110] - [0113]);

traverse the built virtual relationships to determine objects indirectly affected by the identified directly affected object (paragraph [0016]);

registering with an event service to receive events corresponding to an occurrence of an enumerated event (paragraph [0020]);

awaiting an occurrence corresponding to a registered event (paragraph [0020]);

reporting the event and the indirectly, affected objects (paragraph [0020], [0071], and [0073]; and

identifying, in a SIM manager, enterprise processes corresponding to the indirectly affected objects (paragraphs [0029] and [0113]).

Trignon does not explicitly disclose selecting, based on a level of overview scrutiny of the network, objects indicative of performance to monitor; and building, by

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observing interconnections between the objects, virtual relationships between objects, the interrelations indicative of a dependency relation between objects.

However Gauvin teaches selecting, based on a level of overview scrutiny of the network, objects indicative of performance to monitor (col. 5, lines 37-46); and

building, by observing interconnections between the objects (col. 12, lines 27-34) and col. 14, lines 44-54), virtual relationships between objects, the interrelations indicative of a dependency relation between objects (col. 12, lines 27-34) and col. 14, lines 44-54).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the IT components of Trignon with the teachings of storage area network components from Gauvin because this feature would have provided a mechanism for inferring the existence of various types of network components operating, for example, within a storage area network and are thus able to provide a more accurate representation of the network to the network manager as compared to conventional management systems that require management data to be collected from each component in order to represent that component to the network manager (col. 5, lines 13-22 of Gauvin).

19. As to claim 12, Trignon teaches the method of claim 11 wherein objects are manageable entities in a storage area network, the manageable entities responsive to a server and console controlling the storage area network (paragraph [0110]).

20. As to claim 13, Trignon teaches the method of claim 11 further comprising:

displaying via a graphic output device, the affected manageable entities (paragraphs [0066] and [0070]); and

tagging affected objects indicative of the sequence of relations affecting successive objects, the tagging indicative of direct and indirect impact of the events (paragraphs [0066] and [0110]).

21. As to claims 14-23, these claims are rejected for the same reasons as claims 1-10 respectively, see the rejections to claims 1-10 above.

22. As to claim 24, this claim is rejected for the same reasons as claim 1, see the rejection to claim 1 above.

23. As to claim 26, this claim is rejected for the same reasons as claim 1, see the rejection to claim 1 above.

24. As to claim 27, Trinon as modified teaches wherein the determining the other manageable entities further involves checking a memory of a local server for a match of the managed entities of interest (col. 6, lines 53-56 and col. 10, lines 9-16), the matching managed entities of interest used in the determining, otherwise the determining checks for the match of the managed entities of interest in a database of the managed entities of interest (col. 9, lines 16-20 and col. 10, lines 9-16).

25. As to claim 28, this claim is rejected for the same reasons as claim 27 since claim 28 recites the same or equivalent invention, see the rejection to claim 27 above.

Conclusion


26. The prior art made of record on the accompanying PTO-892 and not relied upon, is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KimbleAnn Verdi whose telephone number is (571) 270-1654. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KV
February 1, 2008


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER